

VICTORIAN REPORTS

THE AUTHORISED LAW REPORTS OF THE
SUPREME COURT OF VICTORIA

VOLUME 56
2017-2019

EDITOR
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Published for the
COUNCIL OF LAW REPORTING IN VICTORIA
BY
LITTLE WILLIAM BOURKE
AUSTRALIA
2019



Little William Bourke

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AUSTRALIA	Level 22 52 Martin Place Sydney NSW 2000 Australia
ELECTRONIC	victorianreports.com.au littlewilliambourke.com.au

National Library of Australia Cataloguing-in-Publication entry

ISBN-13: 978-1-925633-09-2

ISBN-10: 1-925633-09-2

ISSN: 0042-5214 (print); 2208-4886 (online).

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Printed in Australia.

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Memoranda

2019

- 1 April The Honourable Gregory Howard Garde AO retired as a Judge of the Court and was appointed a Reserve Judge.
- 4 April The Honourable John Winneke AC, a Judge of the Court and the foundation President of the Victorian Court of Appeal from 1995 to 2005, died aged 81 years.
- 16 April Jacinta Mary Forbes QC was appointed a Judge of the Trial Division.
- 10 June In the Queen's Birthday Honours List, the Honourable Paul Anthony Coghlan, a Judge of the Trial Division from 2007 and Judge of Appeal from 2013 to 2014, was appointed an Officer of the Order of Australia.

Corrigenda

In vol 51, p vii, the entry for 2 October 2017 should read: 'The Honourable Anne Ferguson, a Judge of the Supreme Court of Victoria and Judge of Appeal, was appointed to be Chief Justice of the Supreme Court of Victoria'. The second entry for 19 Dec 2017 should read: 'John Ross Champion SC was appointed a Judge of the Trial Division'.SAApril

Obituaries

The Honourable John Spence Winneke AC RFD

During his long and distinguished career in the law, as a member of counsel and as the inaugural President of the Court of Appeal of the State of Victoria, the Honourable John Spence ('Jack') Winneke AC RFD made an enduring and outstanding contribution to the community, the legal profession and the system of justice. He died on 4 April 2019 at the age of 81 years.

John Winneke was born in Melbourne on 19 March 1938. He was educated at Scotch College, Hawthorn and The University of Melbourne. Following his graduation, he was admitted to practise on 1 March 1962 and signed the Bar Roll on 9 March 1962. He read with Gordon Just (subsequently a judge of the County Court of Victoria) who, in turn, had read with his Honour's father, the Hon Sir Henry Winneke AC KCMG KCVO OBE QC.

From an early stage in his career at the Bar, Jack Winneke established and maintained a wide and extensive practice. He acted and appeared in almost every area of the law, including personal injury cases, defamation cases, criminal trials (in which he appeared for both the defence and the prosecution), complex commercial litigation, and town planning hearings. He had a prodigious intellect and a profound understanding of legal principle, and he was a compelling advocate. He was appointed Queen's Counsel on 24 November 1976. Before he took silk, he had nine readers: Bill A'Beckett, Maurie Alexander, Peter Gray (later a judge of the Federal Court of Australia), Don Just, David Belsen, Tim Wood (later a judge of the County Court of Victoria), John Larkins, Chris Wren and Stephen Kaye (later a judge of the Supreme Court and Court of Appeal).

During his 33 year career at the Bar, Jack Winneke appeared in a large number of substantial and complex cases. One of his more renowned cases was representing Lindy and Michael Chamberlain in a Royal Commission of Inquiry into their convictions for murder for the death of their baby daughter, Azaria. The convictions were quashed as a consequence of the report of the commission. Jack Winneke also appeared as counsel in a number of other important commissions and inquiries, including the Royal Commission into the collapse of the West Gate Bridge, the Derwent River Bridge Inquiry and the Victorian Housing Commission Inquiry. In 1981, he was appointed Royal Commissioner to inquire into the Builders Labourers' Federation. He served as a member of the Bar Council between 1988 and 1991.

In June 1995, his Honour was appointed the first President of the newly established Court of Appeal of Victoria, a role in which he served until his retirement in July 2005. Under his leadership, with his strong personality and accomplished legal skills, the Court of Appeal readily became accepted as the pre-eminent appellate court in the nation. His Honour introduced a number of innovations into the work of the Court of Appeal, including taking the Court on circuit to regional areas of Victoria. His Honour was

an eminent jurist and his judgments have made an important and enduring contribution to jurisprudence in a large number of diverse areas of the law.

Outside the law, his Honour was an officer in the Royal Australian Naval Reserve for a number of years, holding the senior rank of Commander. He served as a member of the Judge Advocate Panel and as a Defence Force Magistrate. He was an Australian Football League Commissioner from 1993 to 1995, a member and chairman of the AFL Appeals Tribunal from 1977 to 1993, and a member and chairman of the VFL Discipline Tribunal from 1967 to 1975.

His Honour was appointed an Officer of the Order of Australia in 1999 for his service to the judiciary in Victoria, the defence force and the community. In 2004 his Honour was appointed a Companion of the Order of Australia for leadership in the law and service to the administration of justice as President of the Court of Appeal, and to the community. His Honour described this award (with characteristic modesty) as ‘recognition of the work of the Court and the judges of this Court’.

In retirement, his Honour served as the chair of the Odyssey House Board from 2006 to 2010, providing strong leadership and making a significant contribution to those whose lives are affected by alcohol and drug addiction.

In addition to his work in the law, Jack Winneke was a talented sportsman. He was a gifted Australian Rules football player: after leaving school, he had a brilliant career in the A Grade of the amateur football competition and in 1960 he joined the Hawthorn Football Club, going on to play 50 games for the club, including as the lead ruckman in its first premiership in 1961.

His Honour is remembered for his extraordinary leadership, community service, profound sense of fairness, deep intellect and his ability to understand and communicate effectively with those from all walks of life.

AF

The Honourable Philip Damien Cummins AM

The Hon. Philip Damien Cummins AM gave long and distinguished service to the people of Victoria, the legal profession, the judiciary and the Supreme Court as a Judge from 1988 to 2009. He died on 24 February 2019, aged 79.

Philip Cummins was educated at Xavier College and The University of Melbourne. At matriculation, he won the Exhibition in English Literature and the Shakespeare Society Prize. At University, he was President of the Law Students' Society and Vice-President of the Students' Representative Council. He graduated with a Bachelor of Laws in 1963, a Bachelor of Arts majoring in psychology in 1965 and a Diploma of Criminology in 1966. He later returned to Melbourne University to complete a Master of Laws in the mid-1970s and a Master of Science in Psychiatry which he completed with First Class Honours in 2010, the year after his retirement from the Supreme Court. His Honour was in the process of completing a Doctorate when he died.

Philip Cummins completed articles with Francis Patrick Mannix at Cleary Ross & Doherty and was admitted to practise on 2 March 1964. In 1965 he signed the Bar Roll, reading with Abraham Monester (later QC). He spent 20 years at the Bar, 10 of those as Queen's Counsel. He started with a general practice and, in time, specialised in criminal law.

Philip Cummins was a leader of the Victorian Bar for many years. He was elected to the Bar Council in September 1977, the first of 11 consecutive terms, during which he served as Vice-Chairman in 1985 to 1986 and as Chairman in 1986 to 1987.

His Honour was appointed to the Supreme Court in February 1988. He sat in all jurisdictions, both at trial and appellate levels, and was the Senior Judge in the Trial Division and Principal Judge of the Criminal Division. He presided over many difficult and high profile trials, including the case that led to the mandatory reporting of child abuse, *DPP v Aiton*. His Honour was also a member of the panel of three Trial Division judges who delivered their opinion to the Attorney-General on a petition for mercy on behalf of Colin Campbell Ross, leading to a posthumous pardon.

His Honour was an advocate for open justice and victims' rights. He also had a long-standing commitment to legal ethics and lectured in Legal Ethics & Professional Conduct at the Melbourne Law School for more than 20 years.

In retirement, he chaired the Victoria Law Foundation; was President of Court Network; chaired the Protecting Victoria's Vulnerable Children Inquiry; chaired the Victorian Law Reform Commission; and was President of the Commonwealth Association of Law Reform Agencies in London. This was recognised when, in 2014, his Honour was appointed a Member of the Order of Australia for 'significant service to the judiciary and to the law, to criminal justice and legal reform, to education, and to professional associations.'

Philip Cummins was a student, a barrister, a judge, a victims' advocate, and a law reformer of boundless energy and enthusiasm. He brought this energy and enthusiasm to every task he undertook, and he encouraged and inspired those around him to do the same.

AF